



# Minnesota Board of Barber Examiners

University Park Plaza Building

2829 University Avenue South East; Suite 425

Minneapolis, MN 55414

Office telephone: 651.201.2820 Office Fax: 612.617.2248

Office e-mail: [bbe.board@state.mn.us](mailto:bbe.board@state.mn.us) Board Website: [www.barbers.state.mn.us](http://www.barbers.state.mn.us)

## BOARD MEETING

MONDAY November 23, 2015

### Minutes

Board Members Present: Jon Stone, James Robinson, and Kenneth Kirkpatrick

Absent: Clarence Jones (medical leave)

### Call to Order

Meeting was called to order by Chair Stone at 8:30 am

#### 1) Approve Agenda

#### 2) Approve Minutes

##### A. September 28, 2015

Motion by member Robinson to approve agenda as presented, second by member Kirkpatrick, 3 Ayes, Motion carried unanimously.

##### B. October 12, 2015

Motion by member Robinson to approve agenda as presented, second by member Kirkpatrick, 3 Ayes, Motion carried unanimously.

### Unfinished Business

#### 3) Legislative Proposal

Elimination of Apprenticeship Program

Background and impact report by Executive Secretary:

Several reasons for the proposal: Minnesota Department of Labor and Industry clearly states that a barber apprentice is not an independent contractor.

Therefore an apprentice barber would technically need to be an employee with all the requirements that entails in relation to work comp and unemployment insurance, taxes etc... Licensing Boards are mandated to only regulate items directly related to health and safety. In addition there is a white house report has come out also stressing that States should be setting policy in relation to regulating occupations within the scope of to protecting the public health and protection only.

Review of the 50 states plus the District of Columbia (51 Jurisdictions) reveals

12 Jurisdictions require 1500 hours of barber education and no apprenticeship

6 Jurisdictions require 1500 hours of barber education or an apprenticeship not both

8 Jurisdictions require less than 1500 hours of barber education and no apprenticeship

5 Jurisdictions require more than 1500 hours of barber education and no apprenticeship

In total 31 Jurisdictions do not require an apprenticeship.

Financially there would be a reduction in revenue from \$6000 to \$10,000 annually by elimination of the apprentice program. This cost may be offset by an increase in individuals seeking to become barbers in the future but there is no clear way to determine this.

Impact on reciprocity agreements:

North Dakota and South Dakota are currently having similar discussions regarding possible elimination of the apprentice programs. Neither of these states are actively seeking legislative action at this time.

Arizona and Kansas currently exclude Minnesota Apprentice Barbers under the reciprocity agreements because they do not have apprenticeship programs.

Discussion:

Member Kirkpatrick ask what the impact would be if the master exam were eliminated and we required that the barber work for one year and complete the Home Study Course and then became a master without the second exam? Discussion of this possibility included that details would have to be worked out in relation to the Home Study and there would still be the employee vs independent contractor difficulty.

Member Stone ask about the statute that states an apprentice cannot be an independent contractor and if this is now something we have to regulate. It is the executive secretary and member Kirkpatrick's understands that as a requirement of another government entity and therefore not within the jurisdiction of the barber board to regulate. The executive secretary did report knowledge of at least one barber who is experiencing difficulty with another agency in relation to the employment status of an apprentice.

The board members acknowledged the written comments received from barbers and that the pro vs con related to elimination of the apprentice program was about 50/50. The Executive Secretary indicated that phone calls also were evenly split between pro and con. Inspector Arnold reported he has spoken with barbers while doing inspections and ask for thoughts about eliminating the apprenticeship. He states that he has had 34 barbers stated that the apprentice program should be eliminated and 88 indicated the program should continue when asked the question. He then explained the reasoning given above regarding employee vs independent contractor and the narrowing of the definition of regulatory authority and all but 14 of the barbers then agreed that eliminating the apprenticeship would be the way to go.

The Board heard comments from members of the public present at the meeting. Below is a brief summary of the comments made.

Ronald Dessellier- Supports the apprentice program continuing. When you are an apprentice is when you truly get experience cutting hair and learning about becoming a business owner. It seems like setting new barbers up for failure.

Terrie Mau- Spoke in support of eliminating the apprenticeship citing concerns related to the employment relationship between a barber and the apprentice and the difficulty apprentice barbers may experience finding a master to work with. Ms. Mau suggested other possible changes such as having the Home Study Course be required to be completed within the first year to be able to renew the license. Also indicated that increasing the hours of school would increase the cost to students, require additional examinations to accommodate a rotation of students, and require a rework of the school curriculum.

Mohammed Aliyu- Supports having school and apprenticeship in combination. He states je comes from a country where all the learning is by working with others like an apprenticeship and now in the U.S. he sees things he did not learn and is told they are things he would learn in school so he sees both as valuable.

Bill Stuart- Spoke in support of eliminating the apprenticeship he cites the difficulty of new barbers to find apprenticeship opportunities in small town Minnesota.

Barbara Fleet- Is firmly against eliminating the apprenticeship program citing that students leaving school need a great deal of practice to develop skills. Ms. Fleet stated that elimination of the apprentice program would lower our standards and be detrimental to the integrity of Minnesota barbers and cited concerns that the market would be flooded with barber shops. Ms. Fleet addressed the flooding of the market with large franchise shops that is already occurring and concern that this action would contribute to this flooding of the market. Ms. Fleet shared other thoughts and concerns regarding the profession of barbering and it's decline over time.

Peggy Schmidt- Agrees that it is time to make some adjustments but not sure it is time to get rid of the apprentice program. She suggests the second test be eliminated and that the Home Study Course be reworked, possibly as an on line class. Ms. Schmidt would like to see the second test eliminated however some requirements for additional learning such as the Home Study Course and some form of paper pencil exam to replace the apprentice program as it is now.

Eric Townsend- Opposes the elimination of the apprentice program or making changes to the requirements citing that the apprenticeship is important in completing a new barber's education and preparing them to be successful in their chosen profession. To protect the public don't send new barbers out to open businesses when they are ill prepared.

Becky Tweed Ms. Tweed is in support of elimination of the apprenticeship. She indicated that her daughter was unable to find a position as an apprentice outstate in multiple towns. The small town, small barber shop owners cannot afford to employ an apprentice as an employee and pay and manage everything that is required to be employer vs having an agreement with an independent contractor. Ms. Tweed pointed out that the barber industry is shrinking and she believes will continue to do so if things don't change. She also indicated support for an on line learning or continuing education component to be developed.

There was a great deal of discussion with various ideas being shared.

Motion by member Robinson to table the item to the next board meeting, second by member Kirkpatrick, 3 Ayes, motion carried unanimously.

## **New Business**

### **4) Reciprocity Applications**

A. Abdulahi Mame—Mr. Mame ask to be heard at the January meeting.

B. Mohammed Aliyu— Ask to go to barber school so that he can get his license and was referred to the school representatives at the table.

### **5) Variance Requests**

A. Clayton Hicks— Mr. Hicks was not in attendance. No action taken

B. Terrell Smith

Motion by member Kirkpatrick to extend Apprenticeship eligibility for six months to June, Second by member Robinson, 3 Ayes, Motion carried unanimously.

### **6) Correspondence**

A. Written Correspondence regarding the legislative proposal provided to the Board Members for review prior to the meeting from:  
Roy Lange, Kristen Ballenger, Barb Peachee-Jones, Earl Faulkner Sr., Gill Garcia, Ray Lange, Marlin Stewart, Stuart Woodey, James Nelson, Richard Nothnagel, Anthony

Breimondo, Patricia Link, Bruce Kolby, Calvin Peoples, Phillip Johnson, Gabriel Carter, Kenneth Young, Daniel Fischer, Jon Hawkinson, Barbara Fleet, Matt Cox, Shane Peterson, and Gary Hackbarth.

7) Inspector Report

Inspector Arnold reported that he visited 112 shops since the last meeting. He reports finding minor violations, things that are corrected on the spot such as sweeping up and changing wet dip disinfectant. The inspector also reported on his discussions with barbers regarding the proposal to eliminate the apprenticeship see above for details.

8) Executive Secretary Report

A. National Association of Barber Boards of America Meeting minutes were provided

B. Executive Secretary requested to attend the February midwinter NABBA conference Feb 19 – 22, 2016 South Padre Island as the secretary to the current NABBA Board.

Chair Stone ask if the NABBA covers these costs or the State. There is no compensation for this position and States are asked to support membership by paying these expenses. In some cases individuals pay out of pocket. Officers of the NABBA Board receive minimal stipends \$400 for vice presidents and \$500 for president to offset some of their costs for phone, printing, mailing etc...

Motion by member Robinson to approve travel for midwinter conference attendance, second by member Kirkpatrick, 3 Ayes, motion carried unanimously.

C. Financial

Revenue and Expenditure worksheet provided to the board. As expected our expenditures are higher than revenue at this time however the current renewal cycle should compensate for that and bring the revenue and expenditures back in line. The secretary did share concern regarding revenue and expenditures for the fiscal year. While the general fund allocation will be sufficient to board needs revenues are not likely to be equal to the allocation given current projections. Costs continue to increase and revenues do not. No action required or taken at this time.

D. Renewal Process

Executive Secretary reported that the 2016 barber renewals are approximately 35% complete at this time.

9) Election of Officers for 2016

A. Board Chair & Board Secretary

Member Robinson moved that the same officers be kept for 2016 as in 2015 while acknowledging that his position as secretary may change due to his appointment being up for reappointment. Member Kirkpatrick seconded, 3 Ayes, motion carried unanimously.

2016 Chair: Jon Stone

2016 Secretary James Robinson

#### 10) Call for Public Comments

Ronald Dessellier : How do we promote or advertise barbering since being faced with all the large salon chains. What are we doing as a board to promote the business?

Chair Stone responded that advertising for the industry is not the boards business or responsibility why the board exists and is why the barber association exists. Joining the barber association and encouraging others to join and to build a strong association is where this support would come from.

Terrie Mau: Noted Federal Gridline 668.8 Student Assistance General Provisions. Requires an Ability to Benefit assessment for individuals under 18 without high school diploma or GED to qualify for assistance. The Board requires an aptitude test which is very old and outdated and should be updated with the Ability to Benefit. Terrie states she feels the current aptitude test is potentially discriminatory. Chair Stone asks that this assessment tool be updated as soon as possible and we should contact our Attorney regarding the use of said assessment.

Eric Townsend: Commented about the lack of restrictions related to Criminal Sexual Offenders attending barber school and obtaining barber licenses. How can we put some stops in place to regulate who can become a barber to protect the public? Eric asks if this is a legislative issue? The secretary confirmed that this would be a legislative issue. If it is the boards job to protect the public then what would we have to do?

After discussion it was determined to consult with the Boards attorney regarding this issue.

#### 11) Meeting Schedule

A. Set meeting dates for 2016:

- a. January 25, 2016
- b. March 21, 2016
- c. May 16, 2016
- d. July 18, 2016
- e. September 26, 2016
- f. November 21, 2016

Complaint Committee to meet in closed session following the board meetings

Motion by member Kirkpatrick to adopt the proposed meeting dates, second by member Robinson, 3 Ayes, motion carried unanimously.

B. Exam Schedule

February 1, 2016 - Moler Barber School, Hilltop  
Schedule Moose Lake Exam (February 8, 2016)

There was some discussion regarding the prison exams with instructor Townsend (Moose Lake) indicating he may have another group ready in May and instructor Wenning (St. Cloud) stating it would be late summer before he has individuals ready for exam. Chair Stone noted that the board typically holds two prison examinations per year and February to May would be close together for those exams. The instructors were asked to coordinate with each other and additional dates would be addressed at the next meeting.

12) Other:

Member Kirkpatrick ask about other items in the proposal and Ms. Mau ask if another special meeting would be called. At this time there are no plans for a special meeting and the entire proposal will be reviewed at the January meeting.

13) Adjournment

Motion by member Robinson to adjourn, second by member Kirkpatrick, 3 Ayes, motion carried unanimously. Meeting adjourned at 10:10 am.